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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,410	11/10/1998	MINORU KURIKI	826.1517/JDH	5479

21471 7590 05/21/2003
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EXAMINER

CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/21/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/189,410

Applicant(s)

KURIKI ET AL.

Examiner

Andrew Caldwell

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-9,11-14,16-21,23-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) 3,15,22 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Remarks

Claims 1-9 and 11-29 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-9, 11-12, 16-21, 23-25, and 27-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Lytle et al., U.S. Pat. No 6,549,950, in view of Trenbeath et al., U.S. Patent No. 6,324,487, and Harp, Jr., U.S. Patent No. 5,585,612. Claims 28-29 will be discussed first.

1 Regarding claim 28, Lytle teaches the invention substantially as claimed by
2 disclosing a method comprising based on interactive input generated by recipients of an
3 email message when viewing the email message (Fig. 31 voting buttons in received
4 email message as interactive input; col. 32 line 6 to col. 39 line 13), storing states of the
5 recipients, where a stored state indicates a degree to which a recipient has completed
6 an activity discussed in the email message received by the recipients (Fig. 36 modified
7 sent message storing list of voting responses; col. 32 line 6 to col. 39 line 13), and
8 where the interactive input is inputted using interactive content displayed with the email
9 message (Fig. 31 voting buttons).

10 Lytle does not explicitly teach allowing the recipients of the email message to
11 view a list of the stored states of the recipients of the email message. In particular, Lytle
12 teaches that the sent mail message is either stored in the sender's sent mail folder or
13 some *other* storage location specified by the sender (col. 35 lines 40-49).

14 Trenbeath on the other hand teaches a publish/subscribe system incorporated in
15 Microsoft Outlook (col. 6 line 62 to col. 7 line 7) allowing multiple computers to share
16 data objects such as email messages (col. 6 lines 48-55).

17 It would have been obvious to one of ordinary skill in the art at the time the
18 invention was made to combine Trenbeath's teachings regarding the publish and
19 subscribe system with the system of Lytle by (1) having Lytle's sender store the sent
20 email message containing the voting instructions in a publication folder and (2) having
21 all of Lytle's receivers subscribe to the folder. In the resulting system, the recipients
22 would be able to open their subscription folder, click on the subscribed copy of the sent

1 message, and view the updated version of the sent email message including the voting
2 results. Such a system renders the subject matter of claim 28 obvious. This
3 combination would have been obvious to one of ordinary skill in the art at the time the
4 invention was made because it would implement Harp's "oral election" where each
5 individual is aware of all others' votes (col. 1 lines 18-24) and because both patents
6 describe different features of the same product, Microsoft Outlook.

7 Regarding claim 29, Lytle teaches a method wherein the state of the activity
8 reflects a recipient's determination that the recipient has completed the activity (col. 32
9 line 6 to col. 39 line 13 – user determines which restaurant and votes, with voting as
10 completion of the activity).

11 Regarding claim 1, it is an apparatus claim directed to the same invention as
12 claim 28. Given the correspondence between an email message of claim 28 and the
13 interpersonal message of claim 1, it should be readily apparent why the reasons for
14 rejection of claim 28 apply equally to claim 1.

15 Regarding claim 2, Lytle teaches an apparatus wherein:

16 The sender comprises a manager managing the business activity, the
17 receivers comprise respective staff, the interpersonal message is a message
18 inquiring about progress of the staff concerning the business activity, and the
19 manager receives the response messages from the staff, where the responses
20 include completion information indicating whether the business activity has been
21 completed (Fig. 36 TO: MY Department showing manager and staff; with Fig.
22 36 elem. 3610 individual's vote as completion information);

1 The preparation unit prepares the receiver state list containing, in the
2 mutually associated manner, the names of the plurality of receivers and the
3 states of each of the respective receivers to indicate, based on completion
4 information in the responses, whether the business activity has been completed
5 (col. 32 line 6 to col. 39 line 13).

6 Regarding claim 4, Lytle teaches an apparatus further comprising:

7 A message preparation unit preparing the interpersonal message to be
8 sent to the receivers by providing the interpersonal message with a confirmation
9 button to be used by each of the receivers to inform the sender whether the
10 assigned business activity has been completed (col. 32 line 6 to col. 39 line 13;
11 Fig. 36 voting buttons as confirmation button);

12 When the confirmation button is activated by one of the receivers, setting
13 the information contained in the receiver state list to indicate that the activating
14 receiver has completed the business activity (col. 32 line 6 to col. 39 line 13).

15 Regarding claim 5, Lytle teaches a system wherein the preparation unit prepares
16 the receiver state list based on the receivers' names and the completion information
17 (col. 32 line 6 to col. 39 line 13). The combination of Lytle in view of Trenbeath and Hart
18 teaches a storage unit storing the content of the interpersonal message, receivers'
19 names and completion information indicating whether the receivers have viewed the
20 content of the interpersonal message or whether the receivers have completed
21 business activities related to a content of the interpersonal message, in an associated
22 manner (Trenbeath's publication folder as storage unit).

1 Regarding claim 6, Lytle teaches a message processing apparatus further
2 comprising:

3 An amendment unit amending the contents of a transmitted interpersonal
4 message stored in the storage unit (col. 32 line 6 to col. 39 line 13); and

5 A recovery unit recovering all the receivers' open information indicating an
6 open state to a not-opened state when the interpersonal message is amended by
7 the amending unit (col. 32 line 6 to col. 39 line 13).

8 Regarding claim 7, Lytle teaches a message processing apparatus wherein:

9 The storage unit stores a plurality of comments prepared by the receivers
10 in response to the interpersonal message (col. 32 line 6 to col. 39 line 13);

11 The recovery unit causes the comments stored in the storage unit to be
12 stored without modification, when the transmitted message is amended by the
13 amendment unit (col. 32 line 6 to col. 39 line 13).

14 Regarding claim 8, Lytle teaches a message processing apparatus wherein:

15 The storage unit stores a message type of the interpersonal message (col.
16 32 line 6 to col. 39 line 13); and

17 The preparation unit prepares the receiver state list according to the
18 message type, the receivers' names and the completion information (col. 32 line
19 6 to col. 39 line 13).

20 Regarding claim 9, Lytle teaches a message processing apparatus further
21 comprising:

1 A setting unit displaying comment alternatives of comment patterns which
2 correspond to the message type of the received interpersonal message, in a
3 comment section of the received interpersonal message, and setting a comment
4 pattern which corresponds to a comment alternative selected by the receiver as
5 the receiver's comment to the received interpersonal message (col. 32 line 6 to
6 col. 39 line 13);

7 Wherein the storage unit includes a comment pattern storage portion for
8 storing, corresponding to the message type, the comment patterns and the
9 comment alternative which correspond respectively to the comment patterns (col.
10 32 line 6 to col. 39 line 13).

11 Regarding claim 11, Lytle teaches a message processing apparatus wherein the
12 message management unit provides a comment section for inputting a comment to the
13 received interpersonal message and causes the comment inputted to the comment
14 section to be displayed as the comment of a corresponding receiver, in the receiver
15 state list (col. 32 line 6 to col. 39 line 13).

16 Regarding claim 12, Lytle teaches a message processing apparatus wherein the
17 message management unit causes a delay state for a response time limit that is set in
18 the interpersonal message to be displayed as delay information in a received message
19 list (col. 32 line 6 to col. 39 line 13).

20 Regarding claims 16-17, they are an apparatus and method claim directed to the
21 same invention as claim 28. The applicability of the rejection to these claims should be
22 readily apparent from the explanation above given the correspondence between

1 interpersonal messages and email messages. As to the limitation that the responses
2 are capable of being made in an arbitrary order with respect to each other, Lytle
3 teaches this feature (col. 39 lines 3-13). As to the limitation that the sent message be
4 jointly addressed, Lytle also teaches this feature (Fig. 36 TO: My Department as
5 group/joint addressing).

6 As to claim 18, it is a method claim directed to the same invention as claim 28.
7 Given the correspondence between email messages and interpersonal messages, the
8 reasons for rejection should be apparent from the discussion of claim 28 above.

9 Regarding claim 19, Lytle teaches a method comprising displaying the receiver
10 state list in a manner associated with the interpersonal message (Fig. 36).

11 Regarding claim 20, Lytle teaches a method teaches a method further
12 comprising:

13 displaying the receiver state list in a manner associated with the
14 interpersonal message (Fig. 36);

15 Wherein the receiver stat list includes receivers' names and completion
16 information indicating whether receivers of the interpersonal message have
17 viewed the interpersonal message or whether the receivers of the interpersonal
18 message have completed business activities related to a content of the
19 interpersonal message (Fig. 36 elems. 3605 and 3610).

20 Regarding claim 21, Lytle teaches a method wherein when a manager managing
21 the business activity sends the interpersonal message to respective staff inquiring about
22 progress states concerning the business activity (Fig. 36 My Department showing

1 manager/sender with recipients as staff), and receives response messages from the
2 plurality of receivers of the interpersonal message inquiring about respective progress
3 states concerning the assigned business activities, preparing the receiver stat list
4 containing, in the mutually associated manner, the names of the plurality of receivers
5 and pieces of completion information based upon which the states of the respective
6 receivers indicate whether the receivers have completed the business activity (col. 32
7 line 6 to col. 39 line 13).

8 Regarding claims 23-25, they are computer readable media claims
9 corresponding to method claims 18 and 20-21. Since they do not teach or define above
10 the information in the corresponding method claims, they are rejected under the same
11 basis.

12 Regarding claim 27, it is a computer readable media claim corresponding to
13 apparatus claim 4. Since it does not teach or define above the information in the
14 corresponding apparatus claim, it is rejected under the same basis.

15
16 Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over
17 Lytle in view of Trenbeath and Harp and further in view of Williams, U.S. Patent No.
18 5,675,733.

19
20 Regarding claim 13, the combination of Lytle in view of Trenbeath and Harp
21 teaches the invention substantially as claimed. See the rejection of claim 1 above.
22 Swenson does not teach the additional limitations of claim 13.

1 Williams on the other hand teaches a workflow system that collects and displays
2 statistical information regarding each workflow, where the system comprises:

3 An open ratio obtaining unit obtaining an open ratio of the interpersonal
4 message from open information indicating an open state of the receiver of the
5 interpersonal message (Col. 1 line 65 to Col. 2 line 22 indicating types of
6 notifications; Col. 5 lines 39-47 indicating that the COD embodiment is merely
7 exemplary of how to implement other notifications, Col. 10 lines 1-22); and

8 A display unit displaying the open ratio of the interpersonal message in a
9 message list (Col. 11 lines 18-55).

10 It would have been obvious to one of ordinary skill in the art at the time the
11 invention was made to combine Williams' system for collecting and displaying statistics
12 with the email system of the combination of Lytle in view of Trenbeath and Harp. This
13 combination would have been obvious based on Williams teaching that its type of
14 display is necessary as the volume of acknowledgment messages becomes large (Col.
15 2 lines 23-62).

16 Regarding claim 14, the combination of Lytle in view of Trenbeath and Harp
17 teaches the invention substantially as claimed. See the rejection of claim 1 above.

18 Swenson does not teach the additional limitations of claim 14.

19 Williams on the other hand teaches a workflow system that collects and displays
20 statistical information regarding each workflow, where the system comprises:

21 A completion ratio obtaining unit obtaining a completion ratio from
22 completion information indicating that the receivers of the interpersonal message

1 have viewed the interpersonal message, or that business activities related to a
2 content of the interpersonal message are completed (Col. 2 lines 10-15); and

3 A display unit displaying the completion ratio which is obtained from the
4 completion ratio obtaining unit in a message list (Col. 2 lines 10-15).

5 It would have been obvious to one of ordinary skill in the art at the time the
6 invention was made to combine Williams' system for collecting and displaying statistics
7 with the email system of the combination of Lytle in view of Trenbeath and Harp. This
8 combination would have been obvious based on Williams teaching that its type of
9 display is necessary as the volume of acknowledgment messages becomes large (Col.
10 2 lines 23-62).

11
12 ***Allowable Subject Matter***

13 Claims 3, 15, 22, and 26 are objected to as being dependent upon a rejected
14 base claim, but would be allowable if rewritten in independent form including all of the
15 limitations of the base claim and any intervening claims. As to claim 3, Lytle only
16 teaches the display of "completion information" within the copy of the sent email
17 message. Nothing in Lytle, Trenbeath, or Harp would teach or suggest a combination
18 as claimed including the display of the completion ratio and message title within the
19 message list. As to claims 22 and 26, they are method and media claims corresponding
20 to claim 3 and would be allowable for the same reason.

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Response to Arguments

Applicant's arguments, see paper 15, filed on November 25, 2002, with respect to claims 1-15 and 18-27 have been fully considered but are moot in view of the new grounds of rejection.

Applicant's arguments, see paper 17, filed on May 11, 2003, with respect to the rejection of claims 16-17 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2157

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Ario Etienne, can be reached at (703) 308-7562. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses:	(703) 746-7239
After Final Responses:	(703) 746-7238
Draft Responses:	(703) 746-7240

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Andrew Caldwell
703-306-3036
May 18, 2003